

Dept. # 1 Assigned Debra K. Weintraub

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Attorneys for Petitioners,
ALEXIS OLBREI, DAN MACDONALD, and
SOUTHWEST REGIONAL COUNCIL
OF CARPENTERS

FILED
Superior Court of California
County of Los Angeles

AUG 16 2018

Sherri R. Carter, Executive Officer/Clerk
By Ricardo Perez Deputy
Ricardo Perez

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ALEXIS OLBREI, DAN MACDONALD, and
SOUTHWEST REGIONAL COUNCIL OF
CARPENTERS,

Case No. **BS 174795**

Petitioners,

PETITION FOR WRIT OF MANDAMUS

[CEQA CASE]

vs.

CITY OF LOS ANGELES, CITY PLANNING
COMMISSION OF THE CITY OF LOS
ANGELES, and DOES 1 THROUGH 15,

Respondents,

CP V 520 MATEO, LLC, and DOES 16
THROUGH 30,

Real Parties in Interest.

RECEIPT #: CCH521665017
DATE PAID: 08/16/18 12:07 PM
PAYMENT: \$435.00 310
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

CIT/CASE: BS174795
LEA/DEF#:

90012

08/16/2018

I. INTRODUCTION

1. On June 14, 2018, the City of Los Angeles, by and through its City Planning Commission, (collectively referred to herein as "Respondents") approved a mixed-use live/work development project comprising 475 live/work dwelling units and up to 125,000 square feet of commercial and office floor area at 520 Mateo Street (Project). Respondents also certified an Environmental Impact Report (EIR) for the Project and adopted Findings for the EIR, a Statement of Overriding Considerations, and a Mitigation Monitoring Program. Respondents bifurcated consideration of the Project into two cases that were separately agendized, but jointly considered, at the Planning Commission hearing on June 14, 2018. Respondents considered and denied an appeal of Case No. VTT-74529-1A, which concerns the approval of a Vesting Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site into one Master Lot and 14 airspace lots for the development of the Project (VTT Approval). Respondents also separately agendized and approved additional approvals for the Project on the same day, June 14, 2018 under Case No. CPC-2016-3853-GPA-VZC-HD-ZAD-SPR (General Plan Amendment Approval).

2. Pursuant to the General Plan Amendment Approval, Respondents (1) found that no subsequent EIR or addendum is required for approval of the Project, (2) approved and recommended that the Mayor and City Council approve a General Plan Amendment to the Central City North Community Plan to change the Land Use Designation of the project site from Heavy Manufacturing to Regional Center Commercial land use, (3) approved and recommended that the City Council adopt a Vesting Zone Change and Height District Change, (4) approved the Zoning Administrator's Determination to reduce parking for Joint Living and Work Quarters, and (5) approved a Site Plan Review for a development project creating 50 or more guest rooms and/or 50,000 gross square feet of non-residential floor area. The VTT Approval and the General Plan Amendment Approval were separately memorialized in two separate letters of determination which were issued on July 18, 2018.

3. Petitioners Alexis Olbrei, Dan Macdonald, and the Southwest Regional Council of Carpenters (collectively referred to herein as "Petitioners") challenge the approval of the

1 Project on the grounds that the Project does not comply with the California Environmental
2 Quality Act (CEQA—Pub. Resources Code § 21000 et seq.) because, *inter alia*, the EIR fails
3 to provide an adequate alternatives analysis, the EIR's discussion of greenhouse gases,
4 hazardous materials, and cumulative impacts is inadequate, and the EIR fails to disclose the
5 proper baseline for hazardous materials. Respondents' certification of the EIR and approval of
6 the Project constitutes an abuse of discretion and must be reversed. Petitioners also challenge
7 Respondents' abuse of process in considering the Project in violation of the procedural
8 mandates set forth under the City Code and the City Charter of the City of Los Angeles.

9 4. Respondents improperly presented the VTT Approval portion of the Project to
10 the Advisory Agency as the decision-making authority when the City Code requires the City
11 Planning Commission to be the initial decision-making authority for projects requiring multiple
12 approvals, such as this one. Having erred in presenting the VTT Approval to the Advisory
13 Agency, Respondents then erroneously issued a ten (10) day appeal deadline for the VTT
14 Approval when the City Code provides for a twenty (20) day appeal period for projects
15 requiring multiple approvals, such as the Project at issue. Respondents' failure to proceed
16 according to the requirements set forth under their City Code constitutes a failure to proceed in
17 a manner required by law. On August 1, 2018, Petitioners appealed the decision of
18 Respondent City Planning Commission. However, this action was required to be filed within
19 35 days of the filing of the Notice of Determination. (Pub. Resources Code § 21167.) As
20 discussed *infra*, Respondents improperly bifurcated the appeals process and denied Petitioners
21 due process of law.

22 II. PARTIES

23 5. Petitioners hereby incorporate by reference paragraphs 1 through 4 as if fully set
24 forth herein.

25 6. Alexis Olbrei is a taxpayer and resident of the City of Los Angeles, where the
26 Project is located. Dan Macdonald is a taxpayer and resident of the City of Los Angeles,
27 where the Project is located.

28 7. Southwest Regional Council of Carpenters is a labor union representing 50,000

PETITION FOR WRIT OF MANDAMUS

1 union carpenters in six states, including in southern California, and has a strong interest in
2 addressing the environmental impacts of development projects, such as the Project. Members
3 of Petitioner Southwest Regional Council of Carpenters reside in the City and in the County of
4 Los Angeles, and include residents affected by the Project, whose interests will be adversely
5 affected by the violations of CEQA and approval of the Project. Southwest Regional Council
6 of Carpenters submitted comments on the Project that addressed the inadequacies of
7 Respondents' environmental review.

8 8. Respondent City of Los Angeles, acting through Respondent City Planning
9 Commission of the City of Los Angeles, is a charter city. On July 18, 2018, Respondents
10 issued two separate Letters of Determination memorializing their actions at the June 14, 2018
11 City Planning Commission Meeting where Respondents approved the multiple approvals
12 required for the Project and certified the EIR for the Project. On July 18, 2018, a Notice of
13 Determination was filed with the County Clerk of the County of Los Angeles for Respondents'
14 certification of the EIR.

15 9. The true names and capacities, whether individual, corporate, or otherwise, of
16 Does 1 through 15, are unknown to Petitioners who therefore sue said Respondents by such
17 fictitious names and will seek leave to amend this Petition for Writ of Mandamus when their
18 identities have been ascertained.

19 10. Petitioners are informed and believe that at all times herein alleged,
20 Respondents and each of them were the agents and employees of each of the remaining
21 Respondents and while doing the things herein alleged, were acting within the course and
22 scope of such agency and employment.

23 11. Real Party in Interest CP V 520 Mateo, LLC is a Delaware Limited Liability
24 Company. Respondents' Notice of Determination identified CP V 520 Mateo, LLC as the
25 Project applicant and Real Party in Interest. On information and belief, CP V 520 Mateo, LLC
26 applied for and received approvals from Respondents for the Project.

27 12. The true names and capacities, whether individual, corporate, or otherwise, of
28 Does 16 through 30, are unknown to Petitioners who therefore sue said Real Parties in Interest

PETITION FOR WRIT OF MANDAMUS

1 by such fictitious names and will seek leave to amend this Petition for Writ of Mandamus
2 when their identities have been ascertained.

3 13. Petitioner is informed and believes that at all times herein alleged, Real Parties
4 in Interest and each of them were the agents and employees of each of the remaining Real
5 Parties in Interest and while doing the things herein alleged, were acting within the course and
6 scope of such agency and employment.

8 III. STANDING

9 14. Petitioners hereby incorporate by reference paragraphs 1 through 13 as if fully
10 set forth herein.

11 15. Approval of the Project will adversely affect the interests of Petitioners Alexis
12 Olbrei and Dan Macdonald. Petitioners Alexis Olbrei and Dan Macdonald are individuals
13 dedicated to the protection of the environment in the City and in the County of Los Angeles by
14 participating in local environmental and land use policy and decision making. Petitioners
15 Alexis Olbrei and Dan Macdonald are residents in the City of Los Angeles and are affected by
16 the Project, and whose interests in preservation of the environmental integrity of the County
17 will be adversely affected by the lack of proper environmental review under CEQA and
18 approval of the Project. Petitioners are also members of Petitioner Southwest Regional
19 Council of Carpenters. Petitioner is an "aggrieved person" within the meaning of Public
20 Resources Code § 21177.

21 16. Approval of the Project will adversely affect the interests of Petitioner
22 Southwest Regional Council of Carpenters and its members. Said organization is a labor union
23 that is dedicated to also preserving the environment for its members, including those in the
24 County of Los Angeles. Approval of the Project and certification of the EIR will adversely
25 affect these interests of Petitioner Southwest Regional Council of Carpenters and its members.
26 Members or representatives of Petitioner Southwest Regional Council of Carpenters, on behalf
27 thereof, have submitted comments on and objections to the lack of CEQA compliance during
28 the administrative proceedings where the Project was considered. Accordingly, Petitioner

PETITION FOR WRIT OF MANDAMUS

1 Southwest Regional Council of Carpenters is an "aggrieved person" within the meaning of
2 Public Resources Code § 21177. The claims asserted and relief requested are broad-based, so
3 that participation in the litigation by individual members is not required.

4 17. Jurisdiction of this court is invoked pursuant to California Code of Civil
5 Procedure Sections 1085 and 1094.5; California Public Resources Code Section 21167; CEQA
6 Guidelines Section 15112; the Constitution of the State of California; the Constitution of the
7 United States; and other applicable laws and regulations.

8
9 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 18. Petitioners hereby incorporate by reference paragraphs 1 through 17 as if fully
11 set forth herein.

12 19. Petitioners have performed all conditions precedent to the filing of this Petition
13 by themselves or others, raising each and every issue known to them before Respondents, in
14 compliance with Public Resources Code § 21177, Code of Civil Procedure §§ 1085 and
15 1094.5, and other applicable law.

16 20. Notice of the filing of this action as required by Public Resources Code §
17 21167.5 was mailed to Respondents on August 16, 2018. (Letter and Proof of Service are
18 attached hereto as Exhibit "A.")

19
20 **V. FIRST CAUSE OF ACTION**
21 **Violation of the California Environmental Quality Act**
22 **[Public Resources Code § 21000 et seq.]**

23 21. Petitioners hereby incorporate by reference paragraphs 1 through 20 as if fully
24 set forth herein.

25 22. Respondents' approval of the EIR constitutes an abuse of discretion because,
26 *inter alia*, the EIR fails to provide an adequate alternatives analysis, Respondents applied
27 improper greenhouse gas thresholds and the EIR's greenhouse gas analysis is inadequate, the
28 EIR provided a faulty cumulative impacts analysis, and Respondents erroneously failed to

1 disclose the proper baseline for hazardous materials.

2 23. CEQA requires alternatives to the project which "(1) offer substantial
3 environmental advantages over the project proposal (Pub. Resources Code, § 21001); and (2)
4 may be 'feasibly accomplished in a successful manner' considering the economic,
5 environmental, social and technological factors involved." (*Citizens of Goleta Valley v. Board*
6 *of Supervisors* (1990) 52 Cal.3d 553, 566.) "[T]he key to the selection of the range of
7 alternatives is to identify alternatives that meet most of the project's objectives but have a
8 reduced level of environmental impacts." (*Watsonville Pilots Assn. v. City of Watsonville*
9 (2010) 183 Cal.App.4th 1059, 1089.) The EIR fails to satisfy the first prong of the alternatives
10 requirement because the alternatives presented do not offer substantial environmental
11 advantages over the project proposal.

12 24. An EIR must "include a description of the physical environmental conditions in
13 the vicinity of the project, as they exist at the time the notice of preparation is published."
14 (CEQA Guidelines § 15125(a).) The City did not adequately evaluate, disclose, or describe
15 baseline environmental conditions in regard to a variety of resource categories, including air
16 quality, greenhouse gases, and hazards and hazardous materials.

17 25. Respondents improperly relied on thresholds of significance they have not
18 themselves adopted. California law requires Respondents to determine the Project's
19 contribution to greenhouse gas emissions. CEQA Guidelines allow an agency to determine the
20 significance of Project-level greenhouse gas impacts, for instance, by setting quantitative
21 emissions thresholds and by determining consistency with a Climate Action Plan, consisting of
22 regulations "adopted by the relevant public agency through a public review process." (CEQA
23 Guidelines § 15064.4(b).) To be relied on as mitigation, this plan must actively "reduce or
24 mitigate the project's incremental contribution of greenhouse gas emissions." (CEQA
25 Guidelines § 15064.4(b).)

26 26. Respondents evaluate the consistency of the Project with, *inter alia*, the
27 California Air Resources Board's AB 32 Scoping Plan (Scoping Plan) to conclude Project-
28 level impacts under this significance threshold are less than significant prior to mitigation. The

1 Scoping Plan is a statewide plan designed to reduce certain categories of greenhouse gases
2 consistent with the mandate of State greenhouse gas laws. However, *Center for Biological*
3 *Diversity v. California Department of Fish and Wildlife* (2015) 620 Cal.4th 204, a recent
4 landmark California Supreme Court decision, noted that the Scoping Plan was not designed or
5 intended to be used at the Project-level. This case held that, to rely on the Scoping Plan, an
6 agency, such as Respondents, must provide analysis that adequately explains why application
7 of the Scoping Plan at the Project-level would be suitable under the circumstances.
8 Respondents provided no such analysis and, thus, Respondents' reliance on the Scoping Plan is
9 erroneous. Respondents' reliance on this or any other plan not adopted by Respondents is
10 unlawful and erroneous. (CEQA Guidelines § 15064.4(b).) In addition, Respondents' use of
11 the Scoping Plan did not serve to "reduce or mitigate the project's incremental contribution of
12 greenhouse gas emissions," as required by law. (CEQA Guidelines § 15064.4(b).)
13 Accordingly, Respondents' significance determination as measured against the Scoping Plan is
14 without merit.

15 27. Respondents failed to provide an adequate cumulative impacts analysis for,
16 *inter alia*, air quality and greenhouse gas emissions. CEQA requires Respondents to consider
17 direct, indirect, and cumulative impacts. Cumulative impacts include direct or indirect impacts
18 caused by the Project that may be less than significant at the Project-level but are significant
19 when considered in conjunction with to other past, present, and reasonably foreseeable future
20 development. (CEQA Guidelines § 15355.) Thus, this analysis failed to accurately represent
21 the cumulative impacts of the Project combined with other past, present, and reasonably
22 foreseeable future projects.

23 28. Respondents must prepare an adequate EIR that conforms with all of the
24 procedural and substantive requirements set forth under CEQA. Approval of the Project EIR,
25 which lacked both procedural and substantive requirements under CEQA, constitutes a failure
26 to proceed in a manner required by law.

27 ///

28 ///

1 **VI. SECOND CAUSE OF ACTION**

2 **Denial of Due Process and Violation of City Code of the City of Los Angeles**
3 **[City of Los Angeles City Code Section 12.36 and City Charter Section 564]**

4 29. Petitioners hereby incorporate by reference paragraphs 1 through 28 as if fully
5 set forth herein.

6 30. On Tuesday July 31, 2018, Petitioner Southwest Carpenters attempted to file a
7 timely appeal of the VTT Approval, the General Amendment Approval, and Respondents'
8 certification of the EIR. The appeal was rejected because according to the staff person at the
9 counter the VTT Approval was required to be filed separately from the other project approvals.
10 On August 1, 2018, Petitioner Southwest Carpenters attempted to file an appeal of the VTT
11 Approval and General Plan Amendment Approval, as well as the certification of the EIR for
12 the Project. While the City ultimately accepted the General Plan Amendment Appeal as well
13 as the appeal of the certification of the EIR, the City informed Southwest Carpenters that the
14 appeal period for the VTT Approval had run. The City maintained the position the VTT
15 Approval only had a ten (10) day appeal period.

16 31. Section 12.36 of the City Code implements City Charter Section 564 for
17 Projects Requiring Multiple Approvals. It states, "Notwithstanding any provision of this Code
18 to the contrary, the following shall apply for a project requiring multiple approvals." (City
19 Code Section 12.36(C).) Under the City Code, in instances where project approvals would
20 typically require an approval or recommendation by the Director of Planning as the initial
21 decision-maker but also require an approval or recommendation by the City Planning
22 Commission as the initial decisionmaker, the City Planning Commission shall have initial
23 decision-making authority for all of the approvals/and or recommendations. Here, the Project
24 requires (1) approval of the vesting tentative map by the Planning Director pursuant to Article
25 7 of the City Code and (2) a recommendation by the City Planning Commission regarding the
26 General Plan amendment pursuant to Section 551(b) of the City Charter. Thus, the City
27 Planning Commission is the initial decision-making authority under the City Code Section
28 12.36(C)(1) and Respondents had no authority to bifurcate and require appeal of the VTT

1 Approval to the Planning Commission.

2 32. Section 12.36(C) of the City Code prescribes that "if any Legislative Approval
3 is included then the procedures for consideration and appeal of all applications shall be those
4 set forth in Section 12.32B. through D. of this Code." The Project requires a General Plan
5 amendment, which constitutes a Legislative Approval under the City Code. Further, Section
6 12.32B through D of the City Code provides that "An appeal shall be filed within 20 days of
7 the date of the mailing of the Planning Commission's decision..." Respondents failed to abide
8 by the procedural requirements set forth under their own City Code regarding multiple project
9 approvals and the timing to appeal a City Planning Commission decision by providing only a
10 10-day appeal period for the VTT approval. Though the VTT Approval was ultimately
11 appealed by other parties, regardless, the City has a mandatory duty to abide by the procedural
12 requirements set forth under its City Code. Failure to do so constitutes a failure to proceed in a
13 manner required by law and denied Petitioners due process of law.

14 VII. ATTORNEYS' FEES

15 33. Petitioners hereby incorporate by reference paragraphs 1 through 32 as if fully
16 set forth herein.

17 34. In pursuing this action, Petitioners will confer a substantial benefit on the People
18 of the State of California and therefore are entitled to recover from Respondents and Real Parties
19 reasonable attorneys' fees and costs pursuant to California Code of Civil Procedure § 1021.5 ,
20 and other provisions of the law.

21 VIII. INJUNCTION

22 35. Petitioners hereby incorporate by reference paragraphs 1 through 34 as if fully
23 set forth herein.

24 36. An actual controversy has arisen concerning Respondents' failure to comply
25 with CEQA (Pub. Resources Code § 21000 et seq.), as set forth above.

26 37. As a result of the above-alleged violations of CEQA, Respondents have failed to
27 conduct adequate environmental review as required by law and, thus, have failed to proceed in
28 a manner required by law in approving the Project.

PETITION FOR WRIT OF MANDAMUS

1 38. At all times mentioned herein, Respondents have been able to comply with
2 CEQA, prepare adequate environmental review, and comply with all relevant provisions of
3 law. Notwithstanding such ability, Respondents have failed and continue to fail to perform
4 their duty to comply with CEQA.

5 39. Petitioners are informed and believe, and on that basis allege, that Respondents
6 are threatening to proceed with development of the Project in the near future. Said
7 implementation of the Project will irreparably harm the environment and will result in
8 significant and unmitigated adverse environmental impacts.

9 40. Petitioners possess no speedy, adequate remedy at law, in that implementation
10 and development in connection with the Project will permanently and forever harm, injure,
11 degrade, and impact the environmental values of the City, the County of Los Angeles and the
12 State of California. Petitioners will suffer irreparable and permanent injuries if Respondents'
13 actions described herein are not set aside.

14 41. A stay and/or restraining order and preliminary and permanent injunction
15 should issue restraining Respondents from proceeding with development of the Project.

16 42. In order to preserve the status quo, a stay and/or restraining order and
17 preliminary and permanent injunction should issue staying Respondents' approval of the
18 Project and certification of the EIR.

19 **PRAYER**

20 WHEREFORE, Petitioners pray for judgment as follows:

21 1. For Alternative and Peremptory Writs of Mandate ordering Respondents to set
22 aside any and all Project approvals including, but not limited to, (1) the approval of a Vesting
23 Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site
24 into one Master Lot and 14 airspace lots for the development of the Project, (2) approval and
25 recommendation of a General Plan Amendment to the Central City North Community Plan to
26 change the Land Use Designation of the project site from Heavy Manufacturing to Regional
27 Center Commercial land use, (3) approval and recommendation that the City Council adopt a
28 Vesting Zone Change and Height District Change, (4) approval of the Zoning Administrator's

PETITION FOR WRIT OF MANDAMUS

1 Determination to reduce parking for Joint Living and Work Quarters, (5) approval a Site Plan
2 Review for a development project creating 50 or more guest rooms and/or 50,000 gross square
3 feet of non-residential floor area, and certification of the EIR for the Project, unless and until
4 Respondents take all necessary steps to bring their actions into compliance with CEQA.

5 2. For an order staying Respondents or other Project applicants from engaging in
6 any activity pursuant to the Project until the environmental review and the Project complies
7 with California statutes and regulations, including but not limited to the requirements of CEQA
8 and until Respondents abide by the procedural requirements set forth under their City Code and
9 City Charter;


10 3. For reasonable attorneys' fees, pursuant to California Code of Civil Procedure §
11 1021.5, and other provisions of the law;

12 4. For costs of suit; and

13 5. For such other and further relief as the Court may deem proper.

14
15 Respectfully submitted,
16 WITTWER PARKIN LLP

17 Dated: August 16, 2018

18 By: 
19 William P. Parkin
20 Attorneys for Alexis Olbrei, Dan
21 Macdonald, and
22 Southwest Regional Council of Carpenters
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VERIFICATION

I, William P. Parkin, say:

I am the Attorney of Record for Petitioners Alexis Olbrei, Dan Macdonald, and the Southwest Regional Council of Carpenters, parties to this action.

I have read the Petition for Writ of Mandamus and know the contents thereof. I am informed and believe that the matters therein are true and on that ground allege that the matters stated therein are true. This verification was not signed by a party to this action because Petitioners are absent from the county where I have my office at the time this Petition for Writ of Mandamus was drafted and ready for filing. This verification was executed on August 16, 2018 in Santa Cruz, California.



William P. Parkin

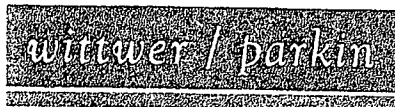
VERIFICATION

EXHIBIT A

Notice of Intent to Commence Litigation

Exhibit A

08/18/2018



August 16, 2018

City of Los Angeles and the
City Planning Commission of the City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

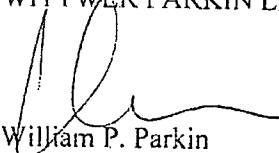
RE: Notice of Intent to Commence Litigation

Pursuant to the requirements of Public Resources Code Section 21167.5, this letter will serve as notice that Alexis Olbrei, Dan Macdonald, and Southwest Regional Council of Carpenters will commence litigation against the City of Los Angeles and the City Planning Commission of the City of Los Angeles ("City").

The litigation challenges the actions of the City (1) to approve a Vesting Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site into one Master Lot and 14 airspace lots for the development of the 520 Mateo Project ("Project"), (2) to approve and recommend a General Plan Amendment to the Central City North Community Plan to change the Land Use Designation of the project site from Heavy Manufacturing to Regional Center Commercial land use, (3) to approve and recommend that the City Council adopt a Vesting Zone Change and Height District Change, (4) to approve the Zoning Administrator's Determination to reduce parking for Joint Living and Work Quarters, (5) to approve a Site Plan Review for a development project creating 50 or more guest rooms and/or 50,000 gross square feet of non-residential floor area, and certified the EIR for the Project to allow development of a mixed-use live/work development compromising 475 live/work dwelling units and up to 125,000 square feet of commercial and office floor area. The City's Notice of Determination listed Real Party in Interest CP V 520 Mateo, LLC ("Real Party in Interest") as the Project applicant.

The litigation has been commenced, *inter alia*, because the actions listed in the preceding paragraph do not comply with the requirements of the California Environmental Quality Act (Public Resources Code § 21000 et seq.).

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

11:01:49 2018-08-16

08/16/2018

PROOF OF SERVICE BY MAIL

I certify and declare as follows:

I am over the age of 18 and not a party to this action. My business address is WITTWER PARKIN LLP, 147 S. River Street, Suite 221, Santa Cruz, California which is located in Santa Cruz County where the mailing described below took place.

I am familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the United States Postal Service.

Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 16, 2018 the following document(s):

1. NOTICE OF INTENT TO COMMENCE LITIGATION

were placed for deposit in the United States Postal Service in a sealed envelope, with postage fully paid to:

City of Los Angeles
City Planning of the City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

I certify and declare under penalty of perjury that the forgoing is true and correct.

Dated: August 16, 2018

A. McCarroll
Ashley McCarroll

PROOF OF SERVICE

11:01:49 2018-08-16

08/16/2018
08:18:09

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William P. Parkin, SBN 139718 WITTWER PARKIN LLP 147 S. River Street, Suite 221 Santa Cruz, CA 95060 TELEPHONE NO.: 831-429-4055 FAX NO.: 831-429-4057 ATTORNEY FOR (Name): wparkin@wittwerparkin.com		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles AUG 16 2018 Sherri R. Carter, Executive Officer/Clerk By <u>Ricardo Perez</u> Deputy Ricardo Perez
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: Alexis Olbrei et al. vs. City of Los Angeles, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: BS 174 795 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): two

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 16, 2018

William P. Parkin

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CIVIL CASE COVER SHEET

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition